

004

Designation List Report

CRITCHLEY



Critchley, Michael

2024-06-17

Menendez Designations	00:36:32
Government Designations	00:11:20
Hana Designations	00:01:43
TOTAL RUN TIME	00:49:35



ID: CRITCHLEY

NTW_000004360

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DESIGNATION	SOURCE	DURATION	ID
9:10 - 9:11	Critchley, Michael 2024-06-17 9:10 And the 9:11 witness will now be sworn.	00:00:14	CRITCHLEY.1
9:18 - 11:08	Critchley, Michael 2024-06-17 9:18 Q. Hi, Mr. Critchley. 9:19 A. How are you doing? 9:20 Q. Good. And yourself? 9:21 A. Fine. Thank you. 9:22 Q. What do you do for a living? 9:23 A. I'm an attorney. 9:24 Q. How long have you been an attorney? 9:25 A. I was admitted in November of 1972. 10:01 Q. And where do you practice currently? 10:02 A. In Roseland, New Jersey. 10:03 Q. What's the name of the firm at which you 10:04 practice? 10:05 A. Critchley; Kinum, K-I-N-U-M; and Luria, 10:06 L-U-R-I-A. 10:07 Q. Is that your own firm? 10:08 A. Yes, it is. 10:09 Q. What are your specialties in law? 10:10 A. Trial litigation. 10:11 Q. And do you specialize in any particular 10:12 type of trial litigation? 10:13 A. Well, I do a lot of white collar criminal 10:14 defense work and we do a significant amount of 10:15 commercial litigation. 10:16 Q. Where do you practice law? What states or 10:17 jurisdictions? 10:18 A. Excuse me, please? 10:19 Q. What states or jurisdictions? 10:20 A. Just New Jersey. 10:21 Q. Do you practice in federal and state 10:22 court? 10:23 A. Yes, I do. 10:24 Q. What's your educational background, 10:25 Mr. Critchley? 11:01 A. College, Seton Hall University; law school 11:02 of Seton Hall University. 11:03 Q. When did you graduate from law school?	00:01:21	CRITCHLEY.2

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DESIGNATION	SOURCE	DURATION	ID
	11:04 A. 1972.		
	11:05 Q. So 50 --		
	11:06 A. Long time ago.		
	11:07 Q. 50-plus years ago?		
	11:08 A. Yeah.		
12:05 - 13:11	Critchley, Michael 2024-06-17	00:01:27	CRITCHLEY.3
	12:05 Q. Okay. Are you a member of any		
	12:06 associations or committees?		
	12:07 A. I have -- I am a member of the American		
	12:08 College of Trial Lawyers, American Board of		
	12:09 Criminal Lawyers, various associations. I was a		
	12:10 former past president of the Association of		
	12:11 Criminal Defense Lawyers in New Jersey, founding		
	12:12 member and a founding trustee.		
	12:13 Also I was -- we put together a -- a		
	12:14 course at Seton Hall University. I was executive		
	12:15 director of that course for about ten years,		
	12:16 teaching lawyers trial skills, Inns of Court		
	12:17 program. We did that for about ten years, and		
	12:18 prior to that I was a counsel to the Rutgers Law		
	12:19 School Inns of Court.		
	12:20 Q. What is the American College of Trial		
	12:21 Lawyers?		
	12:22 A. It's a group of lawyers who are devoted		
	12:23 primarily their career to trying cases. It is an		
	12:24 association which you cannot join. You're invited		
	12:25 to join only by somebody conducting an		
	13:01 investigation, and they send around applications		
	13:02 and people review your credentials and then people		
	13:03 make a determination as to whether you should be		
	13:04 admitted or not. And then one day you receive		
	13:05 a -- some sort of communication saying you've been		
	13:06 invited to be a member of the American College of		
	13:07 Trial Lawyers. That's one of the more prestige		
	13:08 trial lawyers associations in the country.		
	13:09 Q. How long have you been a member of the		
	13:10 American College of Trial Lawyers?		
	13:11 A. 25 years.		
13:23 - 14:01	Critchley, Michael 2024-06-17	00:00:15	CRITCHLEY.4
	13:23 ATTORNEY WEITZMAN: Okay. So let's put up		

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DESIGNATION	SOURCE	DURATION	ID
	13:24 Government Exhibit B105-GG, and if we can turn to		
	13:25 the substitution of attorney page on Page 2. If		
	14:01 you can just pause there.		
15:05 - 16:06	Critchley, Michael 2024-06-17	00:01:09	CRITCHLEY.5
	15:05 Q. Mr. Critchley, are you able to see		
	15:06 Government Exhibit B105-GG?		
	15:07 A (Document review.)		
	15:08 Keep going. Okay. Yes, okay.		
	15:09 Substitution of attorney.		
	15:10 Q. Okay. Do you recognize this document?		
	15:11 A. Yes, I do.		
	15:12 Q. And does it bear your signature?		
	15:13 A. It certainly does.		
	15:14 Q. And on March 28, 2018, were you		
	15:15 substituted in as counsel for Elvis Parra?		
	15:16 A. Yes, I was.		
	15:17 Q. After you substituted in as counsel for		
	15:18 Elvis Parra, what did you do in the case to learn		
	15:19 the file?		
	15:20 A. I got the file from the withdrawing		
	15:21 attorney, Mr. Dorian. I don't believe I ever		
	15:22 spoke to him. I just started reviewing it, from		
	15:23 the factual standpoint and from a legal		
	15:24 standpoint.		
	15:25 Q. As part of your file, did you review any		
	16:01 prior plea offers that had been provided to		
	16:02 Mr. Parra?		
	16:03 A. I think there was a plea offer prior to my		
	16:04 getting into the case.		
	16:05 Q. Let me see if I can refresh your		
	16:06 recollection.		
18:21 - 19:18	Critchley, Michael 2024-06-17	00:01:06	CRITCHLEY.6
	18:21 Q. I'm showing you what's been identified as		
	18:22 Defense Exhibit 1865. And if you would turn to		
	18:23 Page 2 of the document.		
	18:24 Do you recognize this document?		
	18:25 A. Do I have independent recollection now,		
	19:01 no, but it's in the file, so I assume I've		
	19:02 reviewed it.		
	19:03 Q. And is this a -- a arraignment form for		

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DESIGNATION	SOURCE	DURATION	ID
	19:04 the State of New Jersey versus Elvis Parra?		
	19:05 A. That's what it says, yes.		
	19:06 Q. What date was the arraignment.		
	19:07 A. Okay. Let me see what date. April.		
	19:08 April.		
	19:09 Q. If you can look at the second line		
	19:10 underneath the caption, it says arraignment date?		
	19:11 A. February 10, 2017.		
	19:12 Q. And do you see the line that says plea		
	19:13 offer?		
	19:14 A. I do.		
	19:15 Q. And was there a plea offered at the time		
	19:16 of the arraignment?		
	19:17 A. Obviously, it says second degree Count 1,		
	19:18 five years, restitution \$388,000.		
20:05 - 20:08	Critchley, Michael 2024-06-17	00:00:09	CRITCHLEY.7
	20:05 Q. Prior to the arraignment, based on your		
	20:06 review of the file and understanding of the case,		
	20:07 had the New Jersey State Attorney General made a		
	20:08 plea offer to Elvis Parra?		
20:19 - 21:04	Critchley, Michael 2024-06-17	00:00:30	CRITCHLEY.8
	20:19 A. According to this document, they had.		
	20:20 Q. Now, this document bears the caption of		
	20:21 State of New Jersey versus Elvis Parra, correct?		
	20:22 A. Yes, it does.		
	20:23 Q. And do you have any reason to believe that		
	20:24 it's not an authentic copy of the disposition		
	20:25 form?		
	21:01 A. I do not.		
	21:02 Q. Okay. If we can turn to Defense		
	21:03 Exhibit 1868, which I believe has been emailed to		
	21:04 you as well.		
21:14 - 22:06	Critchley, Michael 2024-06-17	00:00:40	CRITCHLEY.9
	21:14 Q. Reviewing Defense Exhibit 1868, do you		
	21:15 recognize this as a plea offer letter that was		
	21:16 sent to predecessor counsel, Howard Dorian, by the		
	21:17 New Jersey State Attorney General's office, dated		
	21:18 February 2, 2017?		
	21:19 A. Yes.		
	21:20 Q. And if you turn to the first -- the second		

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DESIGNATION	SOURCE	DURATION	ID
	21:21 full paragraph, it says, "The state will accept		
	21:22 from the defendant a guilty plea to second degree		
	21:23 theft by deception in Count 1 of the indictment."		
	21:24 Do you see that?		
	21:25 A. I do.		
	22:01 Q. Then in the next paragraph it states:		
	22:02 "The State will recommend to the sentencing court		
	22:03 that the defendant be sentenced to five years		
	22:04 New Jersey State prison."		
	22:05 Do you see that?		
	22:06 A. I do.		
23:05 - 23:15	Critchley, Michael 2024-06-17	00:00:21	CRITCHLEY.10
	23:05 Q. Did you think Elvis Parra should take this		
	23:06 plea offer?		
	23:07 A. No.		
	23:08 Q. Why not?		
	23:09 A. Remember, this is -- you're asking me		
	23:10 about an event depicted in a letter of		
	23:11 February 2017, so I can't discuss this particular		
	23:12 plea offer because I wasn't representing him then.		
	23:13 Q. Okay.		
	23:14 A. There were subsequent offers after this		
	23:15 that I was personally aware of and was involved.		
32:09 - 32:21	Critchley, Michael 2024-06-17	00:00:31	CRITCHLEY.11
	32:09 Q. In -- in connection with your		
	32:10 representation of Mr. Parra, did you meet with		
	32:11 Mr. Uribe?		
	32:12 A. I did.		
	32:13 Q. And what was the purpose of that meeting?		
	32:14 A. Let's say I wanted to lay eyes on him.		
	32:15 Q. And what did you do during that meeting?		
	32:16 A. I listened to -- well, we spoke generally		
	32:17 about the case, and I listened to him. I may have		
	32:18 asked him a couple questions. Now if you're going		
	32:19 to ask me what questions I asked him, I don't		
	32:20 remember. I must have asked him a couple		
	32:21 questions.		
34:07 - 34:12	Critchley, Michael 2024-06-17	00:00:15	CRITCHLEY.12
	34:07 Q. You had mentioned E&K Trucking as		
	34:08 Mr. Parra's trucking company; is that correct?		

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DESIGNATION	SOURCE	DURATION	ID
	34:09 A. Correct.		
	34:10 Q. Based on your review of the file and your		
	34:11 defense of the case, do you know how many truckers		
	34:12 worked at E&K Trucking?		
34:15 - 34:18	Critchley, Michael 2024-06-17	00:00:07	CRITCHLEY.13
	34:15 A. Depends on what years you're talking		
	34:16 about.		
	34:17 Q. At any point in time, what was the high		
	34:18 point, to your recollection?		
34:21 - 34:25	Critchley, Michael 2024-06-17	00:00:12	CRITCHLEY.14
	34:21 A. 95.		
	34:22 Q. 95 truckers?		
	34:23 A. Working out of there, yes.		
	34:24 Q. Okay. Do you recall what race or		
	34:25 ethnicity most of the truckers were?		
35:02 - 35:03	Critchley, Michael 2024-06-17	00:00:03	CRITCHLEY.15
	35:02 A. As I recall, most of them were		
	35:03 Hispanic.		
39:04 - 39:23	Critchley, Michael 2024-06-17	00:00:45	CRITCHLEY.16
	39:04 Q. I'd like to turn your attention to March		
	39:05 of 2019.		
	39:06 Do you know Senator Menendez,		
	39:07 Mr. Critchley?		
	39:08 A. I do.		
	39:09 Q. How long have you known Senator Menendez?		
	39:10 A. About 30 years.		
	39:11 Q. How have you known Senator Menendez?		
	39:12 A. Primarily through politics.		
	39:13 Q. How would you describe your relationship		
	39:14 with Senator Menendez?		
	39:15 A. Friendly.		
	39:16 Q. Do you socialize?		
	39:17 A. No.		
	39:18 Q. Do you speak on the phone?		
	39:19 A. Periodically.		
	39:20 Q. I'd like to direct -- I'd like to show you		
	39:21 what's been marked and admitted in evidence as		
	39:22 Government Exhibit 6B-2301, which you should have		
	39:23 received.		

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DESIGNATION	SOURCE	DURATION	ID
40:06 - 40:12	Critchley, Michael 2024-06-17	00:00:19	CRITCHLEY.17
40:06	Q. You're looking at a copy of your phone		
40:07	records for a phone number, 973-819-4232.		
40:08	Do you recognize that number?		
40:09	A. That is my phone number.		
40:10	Q. If I could direct your attention to the		
40:11	date entry, March 12th at 3:19 P.M.		
40:12	A. March 12th at 3:19 P.M.		
40:19 - 41:06	Critchley, Michael 2024-06-17	00:00:37	CRITCHLEY.18
40:19	Q. Did you find the entry for March 12th,		
40:20	3:19 P.M.?		
40:21	A. I do.		
40:22	Q. There is a caller with the phone		
40:23	number 202-224-4744.		
40:24	Do you recognize that number offhand?		
40:25	A. Offhand, no.		
41:01	Q. I'm going to ask you -- I'm going to		
41:02	refresh your recollection with Government		
41:03	Exhibit 1305, which you should have received as		
41:04	well. By the way, that phone -- that call with		
41:05	the last four, 4744, it's an income coming call		
41:06	with a two-minute duration.		
42:09 - 45:09	Critchley, Michael 2024-06-17	00:03:22	CRITCHLEY.19
42:09	Q. If you could turn to Page 2 of that		
42:10	document, you'll see a -- in the middle of the		
42:11	page, an entry for Robert Menendez.		
42:12	Do you see that entry?		
42:13	A. I see -- I see -- I see Robert Menendez,		
42:14	yes.		
42:15	Q. And do you see that there is a phone		
42:16	number assigned to Robert Menendez, and the phone		
42:17	number is 202-224-4744?		
42:18	A. It's one of three numbers, yes.		
42:19	Q. Okay. So now going back to 6B 2301-1, on		
42:20	March 12 at 3:19, you got a phone call from that		
42:21	same phone call, 202-224-4744.		
42:22	Do you see that?		
42:23	A. Yes, I saw that.		
42:24	Q. And the call, do you see that it says two,		
42:25	as far as duration of the call?		

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DESIGNATION	SOURCE	DURATION	ID
43:01	A. Yes.		
43:02	Q. Do you recall how long your phone call		
43:03	with Senator Menendez was on March 12?		
43:04	A. Obviously, under two minutes.		
43:05	Q. Okay. Had you previously spoken to		
43:06	Senator Menendez before this date?		
43:07	A. About what?		
43:08	Q. About anything?		
43:09	A. Yes.		
43:10	Q. Okay. So the date here, by the way, is		
43:11	March 12, 2019. You had mentioned that you spoke		
43:12	to Senator Menendez primarily about -- about or		
43:13	through politics.		
43:14	Do you recall that?		
43:15	A. Yes.		
43:16	Q. What did you mean by that?		
43:17	A. Well, Senator Menendez is a politician. I		
43:18	think I'm an active democrat. I support elected		
43:19	officials in the State of New Jersey, so in the		
43:20	context of that relationship, that's what I meant.		
43:21	Q. Do you serve on any New Jersey State Bar		
43:22	Association committees?		
43:23	A. No longer.		
43:24	Q. Okay. Did you in 2019 or otherwise --		
43:25	A. No.		
44:01	Q. -- serve on any state bar?		
44:02	A. No.		
44:03	Q. Are you familiar with the New Jersey State		
44:04	Bar Judicial and Prosecutorial Appointments		
44:05	Committee?		
44:06	A. Yes, I am.		
44:07	Q. Have you ever served on that committee?		
44:08	A. I have.		
44:09	Q. And what is that committee?		
44:10	A. That's members of the bar association who		
44:11	review an application submitted by the governor to		
44:12	individuals who are seeking to become superior		
44:13	court judges in the State of New Jersey.		
44:14	Q. In connection with your work on the		
44:15	New Jersey State Bar Association Judicial and		
44:16	Prosecutorial Appointments Committee, did you ever		

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DESIGNATION	SOURCE	DURATION	ID
	44:17 speak to Senator Menendez about potential judicial		
	44:18 and prosecutorial appointments?		
	44:19 A. No.		
	44:20 Q. Okay. What, if anything, do you recall		
	44:21 about your conversation with Senator Menendez,		
	44:22 your phone call on March 12, 2019?		
	44:23 A. Not much.		
	44:24 Q. Can you just, generally, without -- even		
	44:25 if you don't recall specific words, generally		
	45:01 recall the substance of that call?		
	45:02 A. As I recall, as you can indicate and see		
	45:03 from the phone record, it was a very short		
	45:04 conversation. I do not recall the words that were		
	45:05 expressed between the senator and I, but		
	45:06 thematically -- in terms of thematically, I got		
	45:07 the impression, the understanding, that he felt		
	45:08 the same way that I did about the prosecution of		
	45:09 Elvis Parra, that it was an abuse of prosecution.		
45:18 - 45:21	Critchley, Michael 2024-06-17	00:00:16	CRITCHLEY.20
	45:18 Q. Mr. Critchley, again, let me ask you, what		
	45:19 in the conversation do you recall caused you to		
	45:20 believe that Senator Menendez and you shared the		
	45:21 same views about the Elvis Parra prosecution?		
45:23 - 46:11	Critchley, Michael 2024-06-17	00:00:33	CRITCHLEY.21
	45:23 A. Specifically, I can't answer that question		
	45:24 because I think -- I can't recall any specific		
	45:25 words we used. I just had that understanding from		
	46:01 the conversation what I expressed previously, but		
	46:02 if you're asking me what did I say to him and what		
	46:03 did he say to me, I cannot recall that at all.		
	46:04 That would just be sheer guess.		
	46:05 Q. Okay. Let me ask it a bit differently.		
	46:06 After he called you -- well, let me		
	46:07 rephrase.		
	46:08 On March 12, 2019, did you know that		
	46:09 Senator Menendez would be calling you on that		
	46:10 date?		
	46:11 A. No.		
46:25 - 47:02	Critchley, Michael 2024-06-17	00:00:09	CRITCHLEY.22
	46:25 What, if anything, in sum or substance, do		

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DESIGNATION	SOURCE	DURATION	ID
	47:01 you recall you and Senator Menendez discussed		
	47:02 regarding the Elvis Parra case?		
47:06 - 47:18	Critchley, Michael 2024-06-17	00:00:33	CRITCHLEY.23
	47:06 A. I wish I had a rewind in my memory, I		
	47:07 could just rewind, but asking me what I recall		
	47:08 about a specific conversation, which I've had		
	47:09 thousands since then, I just can't recall. All I		
	47:10 can tell you, as best I can, as honestly as I can,		
	47:11 as truthfully as I can, that I had the		
	47:12 understanding that the senator had the same		
	47:13 feeling about the case that I had regarding Elvis		
	47:14 Parra, and that was an abuse of prosecution.		
	47:15 Now, when you want me to go beyond that, I		
	47:16 just can't.		
	47:17 Q. What makes you think that it was an abuse		
	47:18 of prosecution?		
47:21 - 48:01	Critchley, Michael 2024-06-17	00:00:15	CRITCHLEY.24
	47:21 A. Well, I'm going to repeat what I said		
	47:22 before, Avi. I thought it was improper because		
	47:23 the attorney general's office was being used to		
	47:24 enforce a private debt on behalf of an insurance		
	47:25 company. And the insurance company never made a		
	48:01 single effort to collect it on their own.		
48:13 - 48:19	Critchley, Michael 2024-06-17	00:00:17	CRITCHLEY.25
	48:13 Q. Did Senator Menendez ask you to do		
	48:14 anything or take any action on that call?		
	48:15 A. Avi, I don't recall him asking me anything		
	48:16 like that.		
	48:17 Q. Did Senator Menendez explain to you why he		
	48:18 was calling you in connection with the Elvis Parra		
	48:19 matter?		
48:21 - 48:21	Critchley, Michael 2024-06-17	00:00:03	CRITCHLEY.26
	48:21 A. I don't recall anything like that.		
49:02 - 49:05	Critchley, Michael 2024-06-17	00:00:11	CRITCHLEY.27
	49:02 Q. Did you leave the call in any way		
	49:03 understanding whether the senator expected you to		
	49:04 take any action on behalf of Elvis Parra?		
	49:05 A. No.		
49:08 - 49:10	Critchley, Michael 2024-06-17	00:00:13	CRITCHLEY.28

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DESIGNATION	SOURCE	DURATION	ID
	49:08 Q. Was -- did Senator Menendez express any 49:09 concerns to you about the fact that the -- that 49:10 Elvis Parra's company employed 95 Latino truckers?		CRITCHLEY.28
49:14 - 50:03	Critchley, Michael 2024-06-17 49:14 A. I don't recollect any conversation like 49:15 that. It doesn't mean it didn't occur; I just 49:16 don't recollect it. 49:17 Q. Was the March 12, 2019, call with Senator 49:18 Menendez the only time you discussed the Parra 49:19 case with Senator Menendez? 49:20 A. To the best of my recollection, it is, 49:21 yes. 49:22 Q. Okay. Did anyone else from the senator's 49:23 team or staff ever contact you or your office in 49:24 connection with Elvis Parra's case? 49:25 A. No, they did not, no. 50:01 Q. Did anything about your conversation with 50:02 Senator Menendez on March 12, 2019, strike you as 50:03 inappropriate or improper?	00:00:43	CRITCHLEY.29
50:07 - 50:09	Critchley, Michael 2024-06-17 50:07 A. Not at all. 50:08 Q. Was it unusual for a senator to reach out 50:09 to you?	00:00:08	CRITCHLEY.30
50:11 - 51:17	Critchley, Michael 2024-06-17 50:11 A. That's a -- can you be a little bit more 50:12 specific in the question? 50:13 Q. Had you ever -- had Senator Menendez ever 50:14 reached out to you in the past in connection with 50:15 any other criminal cases? 50:16 A. Had he reached out to me about any other 50:17 criminal cases? 50:18 Q. Had he spoken to you about other criminal 50:19 cases in the past? 50:20 A. I -- I -- I got to believe we had 50:21 conversations about cases. Just general in 50:22 nature. When I say "general in nature," a number 50:23 of cases I have are covered in the newspaper. And 50:24 it would not be unusual for a number of people, 50:25 including the senator, to have a conversation with 51:01 me generally about the case. Now, do I recall a	00:01:24	CRITCHLEY.31

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DESIGNATION	SOURCE	DURATION	ID
	51:02 specific conversation, no.		
	51:03 Q. Did there come a time when Senator		
	51:04 Menendez called you about an individual named		
	51:05 Jamel Semper?		
	51:06 A. Yes.		
	51:07 Q. And do you know who Jamel Semper is?		
	51:08 A. Do I know who Jamel -- yes, I do.		
	51:09 Q. And who is Mr. Semper?		
	51:10 A. He right now is a Federal District Court		
	51:11 judge in the District of New Jersey. He was		
	51:12 formerly an Assistant United States Attorney, and		
	51:13 prior to that he was assistant prosecutor in Union		
	51:14 County.		
	51:15 Q. And what, if anything, do you recall about		
	51:16 your conversation between Senator Menendez and		
	51:17 yourself regarding, now, Judge Semper?		
51:20 - 52:18	Critchley, Michael 2024-06-17	00:01:05	CRITCHLEY.32
	51:20 A. Asked me my opinion of him and what I		
	51:21 thought about Jamel Semper. And I gave him my		
	51:22 opinion.		
	51:23 Q. A few days after your call with Senator		
	51:24 Menendez, did you have a call with Attorney		
	51:25 General Gurbir Grewal regarding the Elvis Parra		
	52:01 case?		
	52:02 A. I don't know about a few days after,		
	52:03 number one. And I don't recall having a specific		
	52:04 conversation with him about the Elvis Parra case.		
	52:05 Q. Okay. Did there come a time when you had		
	52:06 a call with Attorney General Grewal?		
	52:07 A. There is.		
	52:08 Q. And did it concern the Elvis Parra case?		
	52:09 A. Did it concern the Elvis Parra case,		
	52:10 specifically, no. Did it express concern that I		
	52:11 felt that the insurance companies had too much		
	52:12 sway over prosecutions that are brought by the		
	52:13 insurance fraud prosecutor, yes.		
	52:14 Sometimes you lose the distinction as to		
	52:15 where the insurance company ends and the attorney		
	52:16 general's office begins. So it was just my way of		
	52:17 generally complaining.		

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DESIGNATION	SOURCE	DURATION	ID
52:21 - 53:03	52:18 Did I mention a specific case to him, no.	00:00:18	CRITCHLEY.33
	Critchley, Michael 2024-06-17		
	52:21 Q. You know, I wanted to follow up on one		
	52:22 question I asked beforehand regarding Jamel		
	52:23 Semper.		
	52:24 A. Sure.		
	52:25 Q. You said that Senator Menendez called you		
	53:01 to get your opinion of him.		
53:06 - 54:22	53:02 Are you able to tell us what you told	00:01:50	CRITCHLEY.34
	53:03 Senator Menendez regarding Mr. Semper?		
	Critchley, Michael 2024-06-17		
	53:06 A. I thought whatever he was considering		
	53:07 Jamel for, he would be an excellent selection,		
	53:08 both by my personal experience with him and by		
	53:09 reputation. He was an excellent prosecutor, he		
	53:10 was an excellent Assistant United States Attorney,		
	53:11 and whatever they're thinking of considering him		
	53:12 for, I would be fully in favor of it.		
	53:13 Q. Thank you.		
	53:14 So back to your call with Attorney General		
	53:15 Gurbir Grewal, you had mentioned that you said		
	53:16 you -- I can't recall the exact words, but I think		
	53:17 you said you spoke about insurance prosecutions in		
	53:18 his office.		
	53:19 A. I talked about the Office of Insurance		
	53:20 Fraud prosecutor, which is a designation within		
	53:21 the office who basically handled insurance-related		
	53:22 prosecutions, and my complaint was I thought that		
	53:23 the insurance industry had far too much influence		
	53:24 over prosecutorial decisions made by the Office of		
	53:25 Insurance Fraud Prosecutor, and that was my		
	54:01 personal opinion, and, actually, some opinions of		
	54:02 other defense attorneys.		
	54:03 Q. Did you call Mr. Grewal on his cell phone		
	54:04 or his work line; do you recall?		
	54:05 A. I don't recall.		
	54:06 Q. Do you have Mr. Grewal's cell phone		
	54:07 number -- not right this moment.		
	54:08 Do you generally have his cell phone?		
	54:09 A. I had it. I don't know if it's the		

CRITCHLEY - 004

DESIGNATION	SOURCE	DURATION	ID
	54:10 same number.		
	54:11 Q. Did you have a relationship with Attorney		
	54:12 General Grewal?		
	54:13 A. When you say "relationship," you know,		
	54:14 it's a small state even though we have 8 million		
	54:15 people. I dealt with him when he was an Assistant		
	54:16 United States Attorney. And I found him to be a		
	54:17 very -- very good assistant, very reasonable, and		
	54:18 very professional.		
	54:19 Q. In connection with your comments about the		
	54:20 Office of the Insurance Fraud prosecutor, did you		
	54:21 have other cases with the insurance fraud		
	54:22 prosecutor at the time or was it just Elvis Parra?		
54:24 - 56:11	Critchley, Michael 2024-06-17	00:01:39	CRITCHLEY.35
	54:24 A. I had cases with them. Are you asking me		
	54:25 to specifically recall one that I had? I think a		
	55:01 simultaneous case with the office of insurance		
	55:02 prosecutor where a client of mine was also		
	55:03 indicted for insurance fraud.		
	55:04 Q. Had you spoken to Attorney General Grewal		
	55:05 before about the office of insurance fraud		
	55:06 prosecutors before this phone call?		
	55:07 A. No.		
	55:08 Q. And why did you call Attorney General		
	55:09 Grewal, in particular, as opposed to one of the		
	55:10 line prosecutors?		
	55:11 A. Well, because I wasn't going to -- I		
	55:12 wasn't going to talk to him about a case. If I		
	55:13 was going to talk to him specifically about a		
	55:14 case, I would have gone up the chain, from the		
	55:15 line prosecutor to the attorney general.		
	55:16 Because I was often thinking about this.		
	55:17 I think at the time I was going over this file and		
	55:18 the more I got over it, the more frustrated I		
	55:19 became, because I thought it was such an improper,		
	55:20 unfair prosecution. And I think just one day I		
	55:21 just felt like giving him a call and just register		
	55:22 my complaints.		
	55:23 Q. Was there any, to your knowledge,		
	55:24 prohibition or practice or policy that precluded		

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DESIGNATION	SOURCE	DURATION	ID
	55:25 you from calling the attorney general directly?		
	56:01 A. If there was, I didn't know of it. If		
	56:02 there was, I would have followed it.		
	56:03 Q. Was there a reason -- what do you recall		
	56:04 Attorney General Grewal saying in response to your		
	56:05 complaint?		
	56:06 A. I don't recall. I don't recall anything		
	56:07 that he said in response.		
	56:08 Q. Okay. Were you concerned at all about the		
	56:09 propriety or impropriety of contacting the		
	56:10 attorney general -- New Jersey State Attorney		
	56:11 General directly rather than the line prosecutors?		
56:13 - 57:19	Critchley, Michael 2024-06-17	00:01:32	CRITCHLEY.36
	56:13 A. If I thought it was improper, I would not		
	56:14 have contacted him. If I was going to discuss a		
	56:15 specific case, I would not have called him up and		
	56:16 discussed a specific case without going through the		
	56:17 prosecutor and getting permission, because that		
	56:18 would be bad form and bad result on many levels.		
	56:19 Q. But if I understand your testimony		
	56:20 correctly, you did not mention a specific case; is		
	56:21 that right?		
	56:22 A. As best as I recall.		
	56:23 Q. And when you say, "It would have been bad		
	56:24 form to mention a specific case," what did you		
	56:25 mean by that?		
	57:01 A. Because that would just engender the anger		
	57:02 of the line prosecutors that I have to deal with.		
	57:03 Q. Other than engendering the anger about		
	57:04 going over the head of the line prosecutors, did		
	57:05 you understand that there was a policy prohibiting		
	57:06 you or other defense lawyers from contacting the		
	57:07 New Jersey State Attorney General directly?		
	57:08 A. I do not know of one, and if I did know of		
	57:09 one, I would have followed it, and if I had a		
	57:10 policy saying don't contact the attorney general,		
	57:11 I would not have contacted them.		
	57:12 Q. Okay. Do you know of any policy that		
	57:13 prohibits elected officials from contacting the		
	57:14 New Jersey State Attorney General?		

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DESIGNATION	SOURCE	DURATION	ID
	57:15 A. I don't know of any.		
	57:16 Q. Now, you said that you raised a broader		
	57:17 concern about the Office of the New Jersey		
	57:18 Insurance Fraud prosecutors, correct?		
	57:19 A. Yes.		
58:01 - 58:17	Critchley, Michael 2024-06-17	00:00:38	CRITCHLEY.37
	58:01 Q. Did you -- in connection with your call		
	58:02 with New Jersey Attorney General Grewal, had you		
	58:03 mentioned that you spoke to Senator Menendez about		
	58:04 the matter?		
	58:05 A. I did not. As I recall, I did not.		
	58:06 Q. Did you mention to Attorney General Grewal		
	58:07 the number of truckers who were employed by E&K		
	58:08 Trucking on your call?		
	58:09 A. To the best of my recollection, I did not.		
	58:10 Q. Did you tell the line prosecutors in the		
	58:11 case that you had reached out to New Jersey		
	58:12 Attorney General Grewal?		
	58:13 A. No.		
	58:14 Q. Did you tell the line prosecutors in the		
	58:15 Elvis Parra case that you had received a call from		
	58:16 Senator Menendez?		
	58:17 A. No.		
58:23 - 62:12	Critchley, Michael 2024-06-17	00:04:07	CRITCHLEY.38
	58:23 What happened with respect to plea offers		
	58:24 and the disposition of the case in connection with		
	58:25 the Parra case after you called Attorney General		
	59:01 Grewal?		
	59:02 A. Let me just put the structure together		
	59:03 since you're asking about plea negotiations. They		
	59:04 showed me a plea offer that occurred prior to my		
	59:05 involvement in the case. Subsequent to that plea		
	59:06 offer, there was another plea offer, I believe was		
	59:07 the end of -- we ended -- in 2018, sometime in		
	59:08 December, where the plea offer that was extended		
	59:09 initially got better.		
	59:10 What I mean by better, initially it was a		
	59:11 plea offer to plead to Count 2 with a sentence of		
	59:12 five years. The subsequent plea offer was reduced		
	59:13 from five years. That was plea offer -- sentenced		

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DESIGNATION	SOURCE	DURATION	ID
59:14	as a second with a sentence of anywhere between		
59:15	three and five -- five years, which meant if the		
59:16	person got -- received three years, he would be		
59:17	eligible for parole in nine months. If he got		
59:18	12 months -- if he got five years, he would be		
59:19	eligible for parole in 12 months.		
59:20	And in addition, the AG said they would		
59:21	not object to his introduction or acceptance into		
59:22	the -- what's referred to as the ISP program. In		
59:23	New Jersey, it's called ISP. It stands for		
59:24	intensive supervision probation. And if you're		
59:25	accepted into that, you can be eligible for		
60:01	release in 90 days, approximately.		
60:02	And based upon his record, meaning		
60:03	Mr. Parra being nonviolent, he would have been, I		
60:04	believe eligible for two things, eligible for the		
60:05	lower end of the sentence of three years and		
60:06	eligible for entry into the ISP program, which		
60:07	would be approximately 90 days.		
60:08	Now --		
60:09	Q. I can pause you there, Mr. Critchley, so		
60:10	we can just break it down.		
60:11	So in or about late 2018, you received a		
60:12	subsequent plea offer from the State; is that		
60:13	correct?		
60:14	A. A written form. Yes, it was an appearance		
60:15	in court, a lawyer in my office handled it, fill		
60:16	out a form, copied the form, asked for what's the		
60:17	latest plea offer, the latest plea offer is		
60:18	written in, and both parties signed it.		
60:19	Q. And the plea offer that you received in		
60:20	late 2018 was substantially better than the		
60:21	initial plea offer that the State made at		
60:22	arraignment, correct?		
60:23	A. It was better, certainly, yes.		
60:24	Q. Okay. And I think based on your		
60:25	testimony, you expect -- you would have expected		
61:01	that the resulting sentence would have been		
61:02	approximately 90 days incarceration; is that		
61:03	right?		
61:04	A. A lot of conditions there. The sentence		

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DESIGNATION	SOURCE	DURATION	ID
	61:05 could be anywhere between three and five years.		
	61:06 The sentence, which would mean -- I repeat		
	61:07 myself -- he would be eligible for parole if he		
	61:08 received three years after nine months; and if he		
	61:09 received five years, 12 months.		
	61:10 And in addition to that, they offered --		
	61:11 they would not object to his entry into the ISP		
	61:12 program. That doesn't mean he's going to get into		
	61:13 it, but they would not oppose the entry. And if		
	61:14 he got into the ISP program, he would be eligible		
	61:15 for parole in about three months -- eligible for		
	61:16 release in three months, but that's conditioned		
	61:17 upon him being accepted into the program.		
	61:18 Q. And ISP --		
	61:19 A. No guarantee, but the fact that the		
	61:20 prosecutor did not object to it, and he was a		
	61:21 first time offender, leads me to believe he would		
	61:22 have been an excellent candidate to be accepted		
	61:23 into that program.		
	61:24 Q. What does the ISP program stand for?		
	61:25 A. Intensive supervision program.		
	62:01 Q. Did plea offers continue to come even		
	62:02 after that second plea offer in late 2018?		
	62:03 A. From that offer in 2018, we were getting		
	62:04 ready for trial. I was in the trial mode and he		
	62:05 was just preparing for trial.		
	62:06 And my partner, Amy Luria, was going to be		
	62:07 trying the case with me. So at that point in time		
	62:08 we were going to trial. I'm done with		
	62:09 conversations. So if I was going to have a		
	62:10 conversation, primarily, it would be someone in my		
	62:11 office. I'm just focusing on going to trial at		
	62:12 that point in time.		
63:03 - 63:09	Critchley, Michael 2024-06-17	00:00:21	CRITCHLEY.39
	63:03 Q. At some point in time as you were		
	63:04 preparing for trial, did you get a final plea		
	63:05 offer from the State?		
	63:06 A. Yes, there came a plea offer, yes.		
	63:07 ATTORNEY WEITZMAN: And if we can put up		
	63:08 Government Exhibit 4G-6. I think you have that,		

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DESIGNATION	SOURCE	DURATION	ID
	63:09 Mr. Marino and Mr. Critchley.		
63:12 - 63:19	Critchley, Michael 2024-06-17	00:00:19	CRITCHLEY.40
	63:12 A. I have -- I do have an email dated		
	63:13 April 16, 2019. Yeah.		
	63:14 Q. And is this the final plea offer that you		
	63:15 received from the State of New Jersey in the Elvis		
	63:16 Parra case?		
	63:17 A. I haven't read it. It says, "The plea's		
	63:18 attached." Now I'm going back to the plea offer.		
	63:19 This is dated April 16th.		
63:24 - 63:25	Critchley, Michael 2024-06-17	00:00:05	CRITCHLEY.41
	63:24 Q. Yeah, if you could turn to Page 3 of the		
	63:25 document.		
64:04 - 64:05	Critchley, Michael 2024-06-17	00:00:03	CRITCHLEY.42
	64:04 Q. And just familiarize yourself with the		
	64:05 document.		
64:09 - 65:16	Critchley, Michael 2024-06-17	00:01:17	CRITCHLEY.43
	64:09 Do you recognize in the second -- in the		
	64:10 second paragraph it states: "The State will		
	64:11 accept from defendant a guilty plea to Count 2 of		
	64:12 the indictment to third degree insurance fraud"?		
	64:13 Do you see that?		
	64:14 A. I see that.		
	64:15 Q. And in the first bullet point it says:		
	64:16 "The State will recommend to the sentencing court		
	64:17 that the defendant be sentenced to a term of		
	64:18 noncustodial probation."		
	64:19 A. The first bullet point. Are we looking at		
	64:20 the same -- now we're on different page. Now I'm		
	64:21 on Page 2.		
	64:22 Now "The State will recommend to the		
	64:23 sentencing court the defendant be sentenced to a		
	64:24 term of noncustodial probation." Right. I got		
	64:25 that.		
	65:01 Q. Can you explain to the jury what it means		
	65:02 that the State will recommend to the sentencing		
	65:03 court the defendant be sentenced to a term of		
	65:04 noncustodial probation?		
	65:05 A. Well, in New Jersey, unfortunately, when		

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DESIGNATION	SOURCE	DURATION	ID
	65:06 you use the word probation in State court it has		
	65:07 mutual meanings. You can be sentenced to		
	65:08 probation. And as a condition to probation,		
	65:09 receive a custodial sentence of 364 days -- up to		
	65:10 364 days, even though it's probation.		
	65:11 So when you put noncustodial probation,		
	65:12 that takes away the potential prospect of someone,		
	65:13 even though they're pleading to probation, getting		
	65:14 time in jail despite the probation. So the		
	65:15 noncustodial is important because there would be		
	65:16 no jail term at all attached to a plea.		
67:17 - 68:16	Critchley, Michael 2024-06-17	00:01:05	CRITCHLEY.44
	67:17 Q. You received this plea offer as you were		
	67:18 preparing for trial; is that correct?		
	67:19 A. Yes.		
	67:20 Q. Did you want to proceed to trial?		
	67:21 A. Did I want to proceed to trial? Yes, I		
	67:22 wanted to proceed -- yes, I wanted to proceed to		
	67:23 trial.		
	67:24 Q. Did Elvis Parra accept the plea offer?		
	67:25 A. Yes, he accepted the plea offer.		
	68:01 Q. And did that avoid trial?		
	68:02 A. Yes, it did. What I was going to point		
	68:03 out on the sentencing plea offer. It says		
	68:04 restitution is \$75,000, which is a lot of money,		
	68:05 but the first offer, you recall, the restitution		
	68:06 they wanted was \$388,000. I won't get into it,		
	68:07 but my -- the idea of the amount of loss was --		
	68:08 was a floating concept at Liberty Mutual.		
	68:09 Q. Meaning that Liberty Mutual is willing to		
	68:10 accept a much lower amount on this plea offer than		
	68:11 they had initially insisted on?		
	68:12 A. I don't know that Liberty Mutual was		
	68:13 willing to accept. I'm just saying what's there.		
	68:14 Q. To your knowledge, did Senator Menendez		
	68:15 have anything to do with the plea offer that Elvis		
	68:16 Parra received here?		
68:19 - 68:21	Critchley, Michael 2024-06-17	00:00:03	CRITCHLEY.45
	68:19 A. To my knowledge, no.		
	68:20 Q. Do you know why the State offered this		

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DESIGNATION	SOURCE	DURATION	ID
	68:21 plea offer?		
69:01 - 69:02	Critchley, Michael 2024-06-17	00:00:03	CRITCHLEY.46
	69:01 A. I believe they believed they had a weak		
	69:02 case.		
69:21 - 69:22	Critchley, Michael 2024-06-17	00:00:07	CRITCHLEY.47
	69:21 Q. Do you have any understanding as to why		
	69:22 they decided to offer this sentence nonetheless?		
69:25 - 70:08	Critchley, Michael 2024-06-17	00:00:19	CRITCHLEY.48
	69:25 A. I believe they understood it was a weak		
	70:01 case. And you can see it was trending that way,		
	70:02 from beginning to end.		
	70:03 Q. I'm sorry, I couldn't hear the last part		
	70:04 of that sentence.		
	70:05 A. It was trending that way. The offers kept		
	70:06 getting better and better.		
	70:07 Q. And is that something you've experienced		
	70:08 before in State AG prosecutions?		
70:10 - 70:10	Critchley, Michael 2024-06-17	00:00:03	CRITCHLEY.49
	70:10 A. Many, many, many times.		
70:23 - 70:25	Critchley, Michael 2024-06-17	00:00:07	CRITCHLEY.50
	70:23 Q. Mr. Critchley, you were prepared to go to		
	70:24 trial in the Parra matter, correct?		
	70:25 A. Yes, I was.		
71:14 - 71:17	Critchley, Michael 2024-06-17	00:00:08	CRITCHLEY.51
	71:14 Q. Did you hire a handwriting expert in this		
	71:15 case?		
	71:16 A. A lawyer from my office was dealing with		
	71:17 the handwriting expert, yes.		
71:25 - 72:10	Critchley, Michael 2024-06-17	00:00:30	CRITCHLEY.52
	71:25 Q. About how much was your fee in the case,		
	72:01 Mr. Critchley?		
	72:02 A. \$250,000.		
	72:03 Q. And I think you testified that Mr. Uribe		
	72:04 came -- you interviewed him.		
	72:05 Did he come to your office?		
	72:06 A. Yes, he did.		
	72:07 Q. And you said that as a result of -- you		
	72:08 asked him questions, right?		

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DESIGNATION	SOURCE	DURATION	ID
	72:09 A. I asked him some questions, yeah. I don't 72:10 recall what they were.		
72:21 - 73:17	Critchley, Michael 2024-06-17	00:00:58	CRITCHLEY.53
	72:21 Q. How did he appear to you as a result of 72:22 the questioning that you did of him?		
	72:23 A. As I said before, I don't think he was so 72:24 happy when he left.		
	72:25 Q. When you -- when you received the ultimate 73:01 plea offer to a probationary sentence that 73:02 Mr. Weitzman went over with you, did you 73:03 immediately convey that to Mr. Parra?		
	73:04 A. I believe so. I don't know if I did or 73:05 someone in my office did.		
	73:06 Q. Would it have been your practice to convey 73:07 that plea offer to your client immediately?		
	73:08 A. Sure.		
	73:09 Q. One last question. Do you know Wael Hana?		
	73:10 A. No, I don't.		
	73:11 Q. Have you ever met him?		
	73:12 A. Not to my recollection.		
	73:13 Q. Neither -- you didn't meet him in the 73:14 course of your representation of Mr. Parra?		
	73:15 A. No, I did not.		
	73:16 Q. Or any other time?		
	73:17 A. No.		
74:13 - 75:05	Critchley, Michael 2024-06-17	00:00:38	CRITCHLEY.54
	74:13 Q. Mr. Critchley, as a lawyer, are you 74:14 generally familiar with the types of legal motions 74:15 that a criminal defense attorney can file in 74:16 court?		
	74:17 A. Yes.		
	74:18 Q. Legal motions are a request for relief 74:19 from the Court; is that right?		
	74:20 A. That's correct.		
	74:21 Q. As Elvis Parra's lawyer, you filed legal 74:22 motions with the Court on Mr. Parra's behalf, 74:23 correct?		
	74:24 A. Correct.		
	74:25 Q. You filed a motion to dismiss the charges 75:01 in Mr. Parra's case, correct?		

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DESIGNATION	SOURCE	DURATION	ID
	75:02 A. Correct.		
	75:03 Q. And the motion to dismiss Mr. Parra's case		
	75:04 was filed before trial; is that correct?		
	75:05 A. Correct.		
75:16 - 76:01	Critchley, Michael 2024-06-17	00:00:20	CRITCHLEY.55
	75:16 "The Court		
	75:17 denied your motion to dismiss Mr. Parra's case,"		
	75:18 correct?		
	75:19 A. Correct.		
	75:20 Q. Are you familiar with the term selective		
	75:21 prosecution?		
	75:22 A. I am.		
	75:23 Q. And selective prosecution is a claim that		
	75:24 lawyers can make when defending a criminal case;		
	75:25 is that right?		
	76:01 A. Correct, correct.		
78:10 - 78:13	Critchley, Michael 2024-06-17	00:00:10	CRITCHLEY.56
	78:10 Q. Mr. Critchley, you did not file any		
	78:11 selective prosecution motion in connection with		
	78:12 Mr. Parra's case, did you?		
	78:13 A. I didn't.		
79:16 - 80:13	Critchley, Michael 2024-06-17	00:00:57	CRITCHLEY.57
	79:16 Q. Did you have any basis to believe that		
	79:17 Mr. Parra was prosecuted on the basis of his race,		
	79:18 ethnicity, or any other improper basis?		
	79:19 A. No.		
	79:20 Q. And you reached that conclusion after		
	79:21 reviewing the evidence, correct?		
	79:22 A. Correct. If I had felt there was a basis		
	79:23 for it, I would have filed it.		
	79:24 Q. And you're a very experienced criminal		
	79:25 defense attorney, correct?		
	80:01 A. I'd like to think so.		
	80:02 Q. Before deciding what motions to file in a		
	80:03 criminal case, you thoroughly and carefully review		
	80:04 all of the evidence, correct?		
	80:05 A. Absolutely.		
	80:06 Q. And you reviewed all of the evidence in		
	80:07 Mr. Parra's case before deciding what motions to		
	80:08 file, correct?		

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DESIGNATION	SOURCE	DURATION	ID
	80:09 A. Correct.		
	80:10 Q. And after reviewing the evidence, you did		
	80:11 not file a selective prosecution motion in		
	80:12 Mr. Parra's case, did you?		
	80:13 A. Correct.		
81:10 - 82:22	Critchley, Michael 2024-06-17	00:01:29	CRITCHLEY.60
	81:10 Q. Now, in early 2019, Robert Menendez called		
	81:11 you, right?		
	81:12 A. Well, I see the call refers to in March of		
	81:13 2019, yes.		
	81:14 Q. And Robert Menendez called your cell		
	81:15 phone, right?		
	81:16 A. Correct.		
	81:17 Q. And on that call, Menendez -- Menendez		
	81:18 brought up only one case, right?		
	81:19 A. Correct.		
	81:20 Q. And that one case was Elvis Parra's		
	81:21 criminal case brought by the New Jersey Attorney		
	81:22 General's Office, correct?		
	81:23 A. As best I can recollect.		
	81:24 Q. You never reached out to Mr. Menendez		
	81:25 about Mr. Parra's criminal case, did you?		
	82:01 A. I did not.		
	82:02 Q. Prior to this call from Menendez, had you		
	82:03 ever spoken to Menendez about Mr. Parra's criminal		
	82:04 case?		
	82:05 A. I did not.		
	82:06 Q. To the best of your recollection, Menendez		
	82:07 did not tell you how he knew about Mr. Parra's		
	82:08 criminal case, did he?		
	82:09 A. To the best of my recollection, that's		
	82:10 correct.		
	82:11 Q. And this call from Menendez about		
	82:12 Mr. Parra's criminal case was short, right?		
	82:13 A. Under two minutes.		
	82:14 Q. Too short to get into the facts of the		
	82:15 case, right?		
	82:16 A. I believe that's correct.		
	82:17 Q. The call was too short to discuss the		
	82:18 evidence in the case, right?		

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DESIGNATION	SOURCE	DURATION	ID
	82:19 A. That seems logical.		
	82:20 Q. The call was too short to discuss what		
	82:21 motions might be viable in the case, right?		
	82:22 A. That's for sure.		
83:13 - 83:24	Critchley, Michael 2024-06-17	00:00:24	CRITCHLEY.61
	83:13 Q. To the best of your recollection, did you		
	83:14 talk about the motions you could file in		
	83:15 Mr. Parra's case with Menendez on that call?		
	83:16 A. No, I did not.		
	83:17 Q. To the best of your recollection, did you		
	83:18 share the motions you filed in Mr. Parra's case		
	83:19 with Menendez?		
	83:20 A. I did not.		
	83:21 Q. To the best of your recollection, did you		
	83:22 talk about the motions you filed in Mr. Parra's		
	83:23 case with Menendez on that call?		
	83:24 A. I did not.		
84:18 - 85:04	Critchley, Michael 2024-06-17	00:00:26	CRITCHLEY.62
	84:18 Q. To the best of your recollection, on that		
	84:19 call with Menendez did you ever say that there was		
	84:20 discrimination against Latino truckers in		
	84:21 Mr. Parra's case?		
	84:22 A. I did not.		
	84:23 Q. Did you ever talk about selective		
	84:24 prosecution with Menendez on that call?		
	84:25 A. I did not.		
	85:01 Q. Did you ever talk about selective		
	85:02 prosecution with anyone in connection with		
	85:03 Mr. Parra's case?		
	85:04 A. No.		
85:12 - 85:24	Critchley, Michael 2024-06-17	00:00:36	CRITCHLEY.63
	85:12 Q. To the best of your recollection, on that		
	85:13 call with Menendez did you ever say that Latino		
	85:14 truckers were being selectively prosecuted?		
	85:15 A. I did not.		
	85:16 Q. To the best of your recollection, on that		
	85:17 call with Menendez did you ever say that Latino		
	85:18 truckers were being treated differently than other		
	85:19 truckers in New Jersey?		
	85:20 A. No.		

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DESIGNATION	SOURCE	DURATION	ID
	85:21 Q. When Menendez called you about Mr. Parra's		
	85:22 case, to the best of your recollection, did he ask		
	85:23 you about the facts of the case?		
	85:24 A. To the best of my recollection, no.		
86:14 - 87:04	Critchley, Michael 2024-06-17	00:00:44	CRITCHLEY.64
	86:14 Q. When Menendez called you about Mr. Parra's		
	86:15 case, to the best of your recollection, in		
	86:16 substance, did he ask you for facts about whether		
	86:17 or not the prosecution was selective or		
	86:18 discriminatory?		
	86:19 A. No. To the best of my recollection.		
	86:20 Q. When Menendez called you about Mr. Parra's		
	86:21 case, to the best of your recollection, in		
	86:22 substance, did he ask you if you had evidence that		
	86:23 similarly situated individuals were treated		
	86:24 differently by the New Jersey Attorney General's		
	86:25 Office?		
	87:01 A. To the best of my recollection, no.		
	87:02 Q. To the best of your recollection, did		
	87:03 Menendez say how he became aware of Mr. Parra's		
	87:04 case?		
87:07 - 88:05	Critchley, Michael 2024-06-17	00:00:56	CRITCHLEY.65
	87:07 A. I don't believe so.		
	87:08 Q. Now, you were critical of the prosecution		
	87:09 against Mr. Parra, correct?		
	87:10 A. Much so.		
	87:11 Q. You were critical of the case against		
	87:12 Mr. Parra, in part because you thought it should		
	87:13 have been a civil case instead of a criminal case,		
	87:14 correct?		
	87:15 A. Correct.		
	87:16 Q. And you were critical of the case against		
	87:17 Mr. Parra, in part because it appeared to you that		
	87:18 the New Jersey Attorney General's Office was being		
	87:19 used by insurance companies to collect private		
	87:20 debt, correct?		
	87:21 A. I couldn't say it better.		
	87:22 Q. Now, from your perspective, this case		
	87:23 dealt with the -- whether the people who worked		
	87:24 for Mr. Parra were W-2 employees or independent		

CRITCHLEY - 004

DESIGNATION	SOURCE	DURATION	ID
	87:25 contractors, right?		
	88:01 A. That's correct.		
	88:02 Q. And from your perspective, that was a		
	88:03 matter that should have been handled civilly in		
	88:04 Mr. Parra's case, not criminally, correct?		
	88:05 A. Correct.		
88:22 - 88:25	Critchley, Michael 2024-06-17	00:00:10	CRITCHLEY.66
	88:22 Q. To the best of your recollection, on this		
	88:23 call did Menendez talk to you about anything other		
	88:24 than Mr. Parra's criminal case?		
	88:25 A. To the best of my recollection, no.		
89:05 - 89:10	Critchley, Michael 2024-06-17	00:00:12	CRITCHLEY.67
	89:05 Q. You testified that you met Mr. Menendez		
	89:06 approximately 30 years ago; is that right?		
	89:07 A. Approximately, yes.		
	89:08 Q. You were a practicing lawyer for all of		
	89:09 those years, correct?		
	89:10 A. Yes, I was.		
89:18 - 89:19	Critchley, Michael 2024-06-17	00:00:07	CRITCHLEY.68
	89:18 Q. The question was: How common was it for		
	89:19 him to call you about pending criminal cases?		
89:22 - 90:10	Critchley, Michael 2024-06-17	00:00:44	CRITCHLEY.69
	89:22 A. How common was it? It's tough to answer		
	89:23 that question. It was not common. He didn't call		
	89:24 on every case, but as I said before, sometimes the		
	89:25 cases I had had some publicity attached to it. It		
	90:01 would not be uncommon to have a conversation about		
	90:02 those cases. Was it a common occurrence, no.		
	90:03 Q. As a general matter, over the course of		
	90:04 your career, have people, including politicians,		
	90:05 asked you about some of your cases that received a		
	90:06 lot of attention or publicity?		
	90:07 A. Absolutely.		
	90:08 Q. Did you have a specific recollection of		
	90:09 any such conversations with Menendez?		
	90:10 A. Specific recollection, no.		
91:06 - 91:23	Critchley, Michael 2024-06-17	00:00:40	CRITCHLEY.70
	91:06 Q. Well, let me ask you this: Mr. Critchley,		
	91:07 you testified that over the course of your career,		

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DESIGNATION	SOURCE	DURATION	ID
	91:08 people, including politicians, have asked you		
	91:09 about some of your cases that have received a lot		
	91:10 of attention or publicity; is that right?		
	91:11 A. That's correct.		
	91:12 Q. Did Elvis Parra's case get a lot of		
	91:13 attention or publicity at the time Menendez called		
	91:14 you about his case in early 2019?		
	91:15 A. When you say "a lot of publicity," I		
	91:16 believe they got a press release from the attorney		
	91:17 general's office. Do I recall specifically, no,		
	91:18 but as a matter of practice and procedure, they		
	91:19 issued press releases every time they had an		
	91:20 indictment.		
	91:21 Q. Did it otherwise get a lot of attention or		
	91:22 publicity at the time Menendez called you in early		
	91:23 2019?		
91:25 - 92:14	Critchley, Michael 2024-06-17	00:00:37	CRITCHLEY.71
	91:25 A. It did not get a lot of publicity,		
	92:01 correct.		
	92:02 Q. Other than this call about Mr. Parra's		
	92:03 case, sitting here today, do you have a specific		
	92:04 recollection of Menendez calling you about any		
	92:05 other particular case?		
	92:06 A. I don't.		
	92:07 Q. To the best of your recollection, on this		
	92:08 call did Menendez mention the New Jersey Attorney		
	92:09 General Gurbir Grewal?		
	92:10 A. I don't recall that.		
	92:11 Q. And to the best of your recollection, on		
	92:12 this call did Menendez tell you he planned to call		
	92:13 Grewal about Mr. Parra's criminal case?		
	92:14 A. I don't recall that.		
92:25 - 93:02	Critchley, Michael 2024-06-17	00:00:09	CRITCHLEY.72
	92:25 Q. To the best of your recollection, on this		
	93:01 call did Menendez tell you he had called Grewal		
	93:02 about Mr. Parra's criminal case?		
93:05 - 93:12	Critchley, Michael 2024-06-17	00:00:20	CRITCHLEY.73
	93:05 A. To the best of my recollection, no. As I		
	93:06 said before, I don't recall much of what was said		
	93:07 between he and I during that conversation.		

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DESIGNATION	SOURCE	DURATION	ID
	93:08 Q. To the best of your recollection, did		
	93:09 Menendez at any time ever tell you that he called		
	93:10 the New Jersey Attorney General about any pending		
	93:11 criminal cases?		
	93:12 A. I don't recall that.		
93:21 - 94:15	Critchley, Michael 2024-06-17	00:00:48	CRITCHLEY.74
	93:21 Q. Now, you testified earlier that you		
	93:22 reached out to Grewal, correct?		
	93:23 A. I did.		
	93:24 Q. You did not mention Mr. Parra's criminal		
	93:25 case by name to Grewal, did you?		
	94:01 A. I did not.		
	94:02 Q. You didn't mention any particular case to		
	94:03 Grewal, did you?		
	94:04 A. I don't recall doing that, no.		
	94:05 Q. You were calling Grewal about your general		
	94:06 concerns relating to prosecutions by the Office of		
	94:07 Insurance Fraud prosecutor within the New Jersey		
	94:08 Attorney General's Office, right?		
	94:09 A. Yes, what I perceived to be abuses.		
	94:10 Q. On this call, did you mention anything		
	94:11 about discrimination to Grewal?		
	94:12 A. I did not.		
	94:13 Q. On this call, did you mention anything		
	94:14 about selective prosecution to Grewal?		
	94:15 A. I did not.		
94:21 - 95:04	Critchley, Michael 2024-06-17	00:00:21	CRITCHLEY.75
	94:21 Q. You would agree, Mr. Critchley, on --		
	94:22 during this conversation you had with Mr. Grewal,		
	94:23 you spoke and he listened, correct?		
	94:24 A. That's a fair -- I think that's a fair		
	94:25 depiction.		
	95:01 Q. To the best of your recollection, Grewal		
	95:02 did not respond to your concerns, did he?		
	95:03 A. No, he didn't say anything specific,		
	95:04 that's for sure.		
97:02 - 97:10	Critchley, Michael 2024-06-17	00:00:25	CRITCHLEY.76
	97:02 Q. From a -- putting aside the legal		
	97:03 defenses --		
	97:04 A. Okay.		

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DESIGNATION	SOURCE	DURATION	ID
	97:05 Q. -- are you familiar with the policy issues		
	97:06 when a legislator looks at how the criminal		
	97:07 justice system prosecutes particular companies or		
	97:08 individuals in a way that affects a selective		
	97:09 prosecution across the board? Are you familiar		
	97:10 with that issue?		
97:12 - 98:04	Critchley, Michael 2024-06-17	00:00:51	CRITCHLEY.77
	97:12 A. Let me see if I can answer the question.		
	97:13 I think someone who was not familiar specifically		
	97:14 with the law of selective prosecution sometimes		
	97:15 would conflate when I use the term, abuse of		
	97:16 prosecution, and it's difficult for a common		
	97:17 layperson to understand the distinction. But what		
	97:18 I like to say, if I can explain it, every		
	97:19 selective prosecution is an abuse of prosecution,		
	97:20 but every abuse of prosecution is not a selective		
	97:21 prosecution. I don't know if that makes sense.		
	97:22 Q. It does, but from a broader perspective,		
	97:23 when you zoom out and look at the criminal justice		
	97:24 system --		
	97:25 A. Yeah.		
	98:01 Q. -- would you agree with me that a public		
	98:02 officer or official could have a different view of		
	98:03 selective prosecution than the way a criminal		
	98:04 defense attorney looks at it?		
98:08 - 98:08	Critchley, Michael 2024-06-17	00:00:03	CRITCHLEY.78
	98:08 A. Absolutely.		
106:13 - 106:15	Critchley, Michael 2024-06-17	00:00:09	CRITCHLEY.79
	106:13 Q. Did the prosecution of Elvis Parra risk		
	106:14 the E&K Trucking business? The viability of the		
	106:15 business?		
106:18 - 106:21	Critchley, Michael 2024-06-17	00:00:11	CRITCHLEY.80
	106:18 A. I think that's a fair assessment.		
	106:19 Q. And the prosecution of Elvis Parra		
	106:20 therefore risked putting those 95 truckers out of		
	106:21 business; is that correct?		
106:23 - 106:23	Critchley, Michael 2024-06-17	00:00:02	CRITCHLEY.81
	106:23 A. That's a fair assessment.		
106:24 - 107:02	Critchley, Michael 2024-06-17	00:00:08	CRITCHLEY.82

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DESIGNATION	SOURCE	DURATION	ID
	106:24 Q. Okay. When -- you were asked questions 106:25 about your call with Senator Menendez. 107:01 Do you recall that? 107:02 A. I do.		CRITCHLEY.82
107:17 - 107:19	Critchley, Michael 2024-06-17 107:17 Q. Okay. In the two-minute conversation that 107:18 you had with him, do you recall that you and he 107:19 exchanged your views of the Elvis Parra case?	00:00:09	CRITCHLEY.83
107:22 - 108:04	Critchley, Michael 2024-06-17 107:22 A. I don't recollect specifically, but to the 107:23 extent that I came away with a high-level 107:24 understanding that thematically he agreed with me 107:25 about the case, that would be some basis of that, 108:01 and the theme we agreed on, from my understanding, 108:02 was that the prosecution of Elvis Parra was an 108:03 abuse of prosecution; not a selective prosecution, 108:04 but an abuse of prosecution.	00:00:21	CRITCHLEY.84
108:16 - 109:05	Critchley, Michael 2024-06-17 108:16 Q. Okay. You were asked about your call with 108:17 Attorney General Grewal. 108:18 Do you recall that? 108:19 A. I do. 108:20 Q. And you did not mention the Elvis Parra 108:21 case in particular, you said? 108:22 A. I don't recall asking -- mentioning any 108:23 specifics about the case. 108:24 Q. Do you recall whether Attorney General 108:25 Grewal said whether he'd look into the insurance 109:01 fraud prosecutors and your complaint about it? 109:02 A. I don't recall. 109:03 Q. Do you recall whether Attorney General 109:04 Grewal cut you off and prevented you from 109:05 articulating your concerns?	00:00:35	CRITCHLEY.85
109:07 - 109:07	Critchley, Michael 2024-06-17 109:07 A. I don't recall that.	00:00:02	CRITCHLEY.86
109:19 - 110:06	Critchley, Michael 2024-06-17 109:19 Q. You were asked some questions about 109:20 whether you recalled any particular conversations 109:21 with Senator Menendez about other prior criminal	00:00:33	CRITCHLEY.87

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DESIGNATION	SOURCE	DURATION	ID
	109:22 cases?		
	109:23 A. Yes.		
	109:24 Q. Did you ever represent someone named		
	109:25 Bridget Kelly?		
	110:01 A. Yes, I did.		
	110:02 Q. And was that a particular case in which		
	110:03 you recall Senator Menendez calling you at some		
	110:04 point?		
	110:05 A. That's probably a case, no doubt, we had a		
	110:06 discussion about it.		
110:21 - 111:10	Critchley, Michael 2024-06-17	00:00:35	CRITCHLEY.88
	110:21 Q. Just briefly, Mr. Critchley, do you recall		
	110:22 being asked questions about the Bridget Kelly case		
	110:23 on redirect?		
	110:24 A. I do.		
	110:25 Q. Was the Bridget Kelly case the famous		
	111:01 Bridgegate case?		
	111:02 A. It was.		
	111:03 Q. Do you recall on redirect being asked		
	111:04 questions about policy concerns versus legal		
	111:05 motions regarding selective prosecution?		
	111:06 A. I do.		
	111:07 Q. To the best of your recollection, in		
	111:08 substance, did Robert Menendez mention any policy		
	111:09 issues when he called you about Mr. Parra's case?		
	111:10 A. To the best of my recollection, he didn't.		

Menendez Designations	00:36:32
Government Designations	00:11:20
Hana Designations	00:01:43
TOTAL RUN TIME	00:49:35